



IFW
1617

PATENT
Customer No. 22,852
Attorney Docket No. 05725.0922-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Isabelle ROLLAT et al.) Group Art Unit: 1617
)
Application No.: 10/023,330) Examiner: Gina Yu
)
Filed: December 20, 2001) Confirmation No.: 5705
)
For: RESHAPABLE HAIR STYLING)
RINSE COMPOSITION)
COMPRISING (METH)ACRYLIC)
COPOLYMERS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. To the best of Applicants' knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications and Office Actions available on IFW are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **JP 2004-512292 A** - This document is believed to be related to US 2002/0076390, submitted herein.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003), that an "adverse decision" by another Examiner may meet the materiality standard under amended 37 C.F.R. § 1.56 and, thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants do not represent that the Office Actions in the co-pending applications are material to the present application and do not admit that any of the other claims are substantially similar, out of an abundance of caution Applicants have listed the substantive Office Actions issued in co-pending applications on the attached PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 25, 2005

By: 
Mark D. Sweet
Reg. No. 41,469

AUG 25 2005

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number

10/023,330

Filing Date

December 20, 2001

First Named Inventor

Isabelle ROLLAT

Art Unit

1617

Examiner Name

Gina Yu

Attorney Docket Number

05725.0922-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|----------------------|--------------------------|--|--|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US-2002/0076390 A1 | 06-20-2002 | Kantner et al. | |
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
|----------------------|--------------------------|---|--------------------------------|--|--|--------------------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | JP 2004-512292 A | 04-22-2004 | 3M Innovative Properties Co. | | |
| | | WO 02/34218 | 05-02-2002 | 3M Innovative Properties Co. | | |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
|----------------------|--------------------------|---|--------------------------|
| | | Office Action in co-pending Application No. 09/627,055 (Attorney Docket No. 05725.0662-00000), dated May 27, 2005 (Ex. Venkat) | |
| | | Office Action in co-pending Application No. 10/022,253 (Attorney Docket No. 05725.0959-00000), dated May 24, 2005 (Ex. Venkat) | |
| | | | |

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.